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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,702	04/04/2001	Benham Azvine	36-1420	5920
23117	7590	12/22/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			GRAYSAY, TAMARA L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/806,702

Applicant(s)

AZVINE ET AL.

Examiner

Tamara L. Graysay

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 and 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date (2 pages).
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Preliminary Matters***

1. In response to applicants request to acknowledge a claim for foreign priority, the Office previously acknowledged the claim on form PTL-326 mailed 06 April 2005.

Presently, the Office acknowledges receipt of the Application Data Sheet filed 06 September 2005 that correctly lists the foreign priority application.

2. The rejection of claims 14-22 and 26 under 35 U.S.C. 101 has been obviated by the amendment to the claims.

The rejection of claims 13-22 under 35 U.S.C. 112, second paragraph, has been obviated by the amendment to the claims.

### ***Claim Objections***

3. Claims 10 and 11 are objected to because of the following informalities related to inconsistent terminology:

a. Claim 10, line 3, "the constraint information received" has been treated as the event identifying data, comprising an identifier for a processable event, and temporal preference information associated with the event identifying data in paragraph (ii), and (i)(a) of claim 1.

b. Claim 11, line 1, "a" has been treated as the since the processable event was previously recited at claim 1.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16, 23, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Koreeda (cited by applicant, US-5781731).

a. Regarding claim 1, Koreeda discloses apparatus for identifying a time, comprising input means (300) for receiving event data (conference condition setting means for inputting scheduling conditions of a conference c.4, 1.35-37; interface agent 820a; step 410) and for receiving a fuzzy logic statement associated with the event, the fuzzy logic statement identifying a duration and a start time (Fig.6, fuzzy expression date and time 956, 955, type 959a-e, the time, date, and type of expression inherently includes a start time and duration, e.g., within one week as described at c.10, 1.1-5); means for storing the event data and preference information associated with the event (implicit in the Koreeda reference because information is input and manipulated, thus it must be stored in some fashion within the apparatus); means to access a temporal schedule which stores allocated times in respect of at least one previously allocated event (c.; processing means (c.10, 1.34 to c.11, 1.4, conference sponsor agent 830a, schedule management agents 840a, 840b, personal agents 800a, b) for applying a function to convert the fuzzy logic statement into temporal information and reviewing the temporal information with the temporal information of a previously allocated event. The agents determine a time for an event

that meets the fuzzy logic preference and corresponds to both the previously allocated or already scheduled events and the processable event being currently scheduled or entered.

- b. Regarding claim 2, Koreeda discloses a preferred start time (AM/PM for example).
- c. Regarding claim 3, Koreeda discloses preference values (968).
- d. Regarding claim 4, Koreeda discloses a period in a single day (Fig.6 example showing 8:30am to 2:00pm).
- e. Regarding claim 5, Koreeda discloses monitoring means for monitoring the temporal schedule and alerting means for outputting an alert signal if there is a scheduling conflict (c.10, 1.43-57 conference sponsor agent 830a receives the information from the schedule management agents 840a,b and if the event is not accommodated, a partial change of conditions may be made).
- f. Regarding claim 6-8, Koreeda discloses more than one event to be identified (Fig.6, conference name(s) 951. Koreeda further discloses constraints between events, times for each event, and at least two events for one processable event (Fig.6, information entered for each conference includes room as well as attendee availability events).
- g. Regarding claim 9, as noted above storage means is implicit in the Koreeda reference because information, including the constraint information, is input and manipulated, thus it must be stored in some fashion within the apparatus.
- h. Regarding claim 10, the limitations are mentioned as paragraph (a) above with regard to claim 1.
- i. Regarding claim 11, the Koreeda conference is a type of meeting.

- j. Regarding claim 12, Koreeda discloses use of a plurality of apparatus (note c.4, l.10-18).
- k. Regarding claim 13, Koreeda discloses a graphical user interface (300) for entering information via a keyboard (320).
- l. Regarding claim 23-24, Koreeda discloses a plurality of intelligent autonomous systems including a diary assistant (company agent sends schedule information regarding holidays and events to the plurality of schedule management agents c.8, l.40-60). This rejection is made whereby the limitation “at least some of” can include more than one of any of the listed assistants, including more than one of the same kind of assistant.
- m. Regarding claims 14-16, Koreeda discloses a method wherein the process steps of identifying, inputting, converting, storing, accessing, and reviewing are performed, as applied to the rejection of claim 1 above. As to the plurality of durations or start times, Fig.6 depicts a selection among various time periods and various start times. The fuzzy logic is applied based on which of the temporal preferences is selected.
- n. Regarding claim 26, Koreeda implicitly contains a computer program having instructions to perform the method as recited in claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda (US-5781731) in view of Applicant Admission (prior art at p.23, l.18 to p.25, l.12).

a. Regarding claim 17 and 18, Applicant Admission teaches removing events (S10.1), allocating start time and duration (S10.2), and repeating steps until preferences are maximized (backtracking p.24, l.5-9); and, organizing events and allocating start time and duration (S10.1 - S10.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Koreeda to include allocating start time and duration of processable events by maximizing preferences, such as taught by Applicant Admission, in order to ensure that events are scheduled according to their constraints.

b. Regarding claim 19, the Koreeda and Applicant Admission combination includes the claimed steps insofar as Koreeda discloses notifying the user as to the scheduled events or failure to schedule events, and Applicant Admission teaches identifying unassigned time periods (S10.2), comparing the duration with processable event durations (S10.3).

c. Regarding claims 20-22, the Koreeda and Applicant Admission combination includes the claimed steps insofar as Koreeda discloses using a keyboard (320) for entering information/data. Koreeda further discloses time periods including hours. Koreeda discloses sending time (conference sponsor inquires schedule management agents using input values Fig.6), receiving time (schedule management agents 840a, b receive the inquires), and combining time to allocate time to meeting (conference schedule confirmation is sent when the time and duration preferences are met, confirmation step 470).

6. Claim 24 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda (US-5781731) in view of Barr (US-5182705).

The limitation “at least some of” has been interpreted to mean more than one of the listed assistants, thus the following rejection applies. Barr discloses an autonomous system including a diary assistant (c.4, 1.28-59) in combination with an email assistant (c.7, 1.41-66) to allow a user to access email correspondence and an electronic diary at the same time to coordinate appointments.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Koreeda apparatus to include an email assistant, such as suggested by the combination diary and email assistant of Barr, in order to access both the diary entries and email correspondence of a user so that appointments can be coordinated using both email and an electronic diary.



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7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda (US-5781731) alone, and Koreeda (US-5781731) in combination with Barr (US-5182705), as applied to claim 24 above, and further in view of Hutchinson (US-4836670).

Hutchinson teaches using means responsive to input signal indicative of a state of mind of a user (the gaze of a user determines input signal for a user, see entire document) in order to accommodate a user who lacks physical capability to manually enter data via a keyboard or mouse.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Koreeda and Barr combination to include means responsive to an input signal indicative of a state of mind of a user, as taught by Hutchinson, in order for the Koreeda and Barr combination to be used by a person lacking the physical capability for manual data entry.

***Response to Arguments***

8. Applicant's arguments filed 06 September 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the identification of a time for a processable event being determined with respect to at least one other event scheduled into the temporal schedule, the examiner points out that the referenced limitation is simply adding an event to a schedule that already contains events. As such the Koreeda reference meets the claims as discussed above.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., allocate different times to each of the events (page 30 of the response)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the benefit that is presented in the argument is a secondary consideration that has been given no weight insofar as the Koreeda automated schedule is intended to schedule events that do not conflict with each other.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ock (article, Activity duration quantification under uncertainty: fuzzy set theory application) teaches applying fuzzy logic to project scheduling issues.

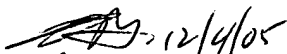
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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